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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 09/632,775  | 08/04/2000  | Stanley J. Kostoff, II | 04838-060001        | 2125             |
| 26161   | 7590        | 11/18/2005             | EXAMINER            |                  |
| FISH & RICHARDSON PC<br>P.O. BOX 1022<br>MINNEAPOLIS, MN 55440-1022 |             |                        | LAZARO, DAVID R     |                  |
|   |             |                        | ART UNIT            | PAPER NUMBER     |
|   |             |                        | 2155                |                  |

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                    |  |
|------------------------------|-------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/632,775 | Applicant(s)<br>KOSTOFF, II ET AL. |  |
|                              | Examiner<br>David Lazaro      | Art Unit<br>2155                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to the RCE filed 09/29/05.
2. Claims 1-6 are pending in this office action.

### *Response to Amendment/Arguments*

3. Applicants; arguments filed 09/29/05 have been fully considered but they are not persuasive. The rejection is respectfully maintained as set forth in the office action mailed 07/29/2005.

4. Applicants argue - "*First, all of the Gleeson token transmissions...take place in one direction, from a transmitter to a receiver. None of the Gleeson token transmissions is a response from a receiver back to a transmitter, as required by the claims.*"

a. Examiner's response - Gleeson Col. 16, lines 8-10, states in regards to the source and destination addresses "*Consequently, in accordance with the invention, these fields are not sent in the reduced **TP data packets or acknowledgements**, but are instead replaced by "tokens"...*" (emphasis added).

Acknowledgements are transmitted by a receiver back to a transmitter in response to a data packet sent by the transmitter (See Fig. 18a and 18b for a general example). As such, the token transmissions of Gleeson take place in both directions between a transmitter and a receiver.

Furthermore, the claim language does not actually describe a response from a receiver back to a transmitter. In Claim 1, the claim language only identifies that a first transmission frame is received on the transmission medium

and that a second frame transmission is transmitted on the transmission medium. There is no identification of the station receiving the first frame from a transmitter or of the station explicitly transmitting a response to the original transmitter (ie. receiver back to a transmitter). In Claim 4, the claim language does not specify a transmitter from which a first frame is received or for receiving the second frame transmission to be indicative of a response to the first frame transmission.

For these reasons, Applicants' arguments are not persuasive.

5. Applicants argue - "Second, the tokens in Gleeson are not based on information from another transmission, as required by the claims. The Gleeson tokens are an arbitrary number ("can be any unique field", Gleeson, Col. 16, line 53)."

b. Examiner's response - As noted by applicants, Gleeson states the tokens "can be any unique field". Gleeson also states in Col. 16, lines 11-18, that packets include "various type fields" including "a checksum field". The examiner interprets the checksum field as being a unique field. As such, the examiner asserts that one of ordinary skill in the art would anticipate that "any unique field" can include the "checksum field". Applicants' arguments are not persuasive.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Claim 1 states "receiving on the transmission medium a first frame transmission having a destination address corresponding to the station" and then states "as to convey that the second frame transmission is a response to the first frame transmission". The first frame is only received on a transmission medium. It is not clear as to how the second frame transmission can be a response to the first frame transmission when the first frame transmission is not stated as being received at the station from a particular transmitter. It is essential that the first frame transmission should be received at the station from a specified transmitter such that there can be information sufficiently unique from the first frame as to convey to an original transmitter that the second frame transmission is a response to the first frame. Furthermore, the claims do not state the second frame transmission is sent to the transmitter of the first frame transmission. It seems that such an element would be essential to be able to convey that the second frame transmission is a response to the first frame transmission. Claim 4 similarly does not indicate a particular transmitter as being a transmitter of the first frame and subsequently a receiver of the second frame transmission. As described above, such elements are

essential to be able to convey that the second frame is a response to the first frame transmission.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 5,627,829 by Gleeson et al. (Gleeson).

11. With respect to Claim 1, Gleeson teaches in a network of stations interconnected by a transmission medium, a method of operating a station according to a media access control protocol comprises: receiving on the transmission medium a first frame transmission having a destination address corresponding to the station (Col. 16 lines 1-23 - Particularly note the initial establishment of a connection would involve the destination receiving a unreduced TP header which includes a destination address); and transmitting on the transmission medium a second frame transmission including information from the first frame transmission other than the destination address (Col. 16 lines 1-39, particularly lines 8-12), the information from the first frame transmission occupying fewer bits than the destination address but being sufficiently unique to the first frame transmission as to convey that the second frame transmission is a response to the first frame transmission (Col. 16 lines 24-39).

12. With respect to Claim 2, Gleeson teaches all the limitations of Claim 1 and further teaches wherein the first frame transmission includes a frame check sequence (Col. 16 lines 15-18 - 'checksum field') and the information in the second frame transmission includes a received frame check sequence field for specifying at least a portion of the frame check sequence in the first frame transmission and is to be used to determine that the second frame transmission is a response to the first frame transmission (Col. 16 lines 24-39, particularly noting the 'token' used can be "any unique field' which would include a checksum field.).

13. With respect to Claim 3, Gleeson teaches all the limitations of Claim 1 and further teaches the first frame transmission includes an indication that a response is expected (Col. 16 lines 1-18).

14. With respect to Claim 4, Gleeson teaches in a network of stations interconnected by a transmission medium, a media access control unit in a station comprising: a receive handler to receive on the transmission medium a first frame transmission having a destination address corresponding to the station (Col. 16 lines 1-23 - Particularly note the initial establishment of a connection would involve the destination receiving a unreduced TP header which includes a destination address); and transmit handler to transmit on the transmission medium a second frame transmission including information from the first frame transmission other than the destination address (Col. 16 lines 1-39, particularly lines 8-12), the information from the first frame transmission occupying fewer bits than the destination address but being sufficiently unique to the first frame

transmission as to convey that the second frame transmission is a response to the first frame transmission (Col. 16 lines 24-39).

15. With respect to Claim 5, Gleeson teaches all the limitations of Claim 4 and further teaches wherein the first frame transmission includes a frame check sequence (Col. 16 lines 15-18 - 'checksum field') and the information in the second frame transmission includes a received frame check sequence field for specifying at least a portion of the frame check sequence in the first frame transmission and is to be used to determine that the second frame transmission is a response to the first frame transmission (Col. 16 lines 24-39, particularly noting the 'token' used can be "any unique field' which would include a checksum field.).

16. With respect to Claim 6, Gleeson teaches all the limitations of Claim 5 and further teaches the first frame transmission includes an indication that a response is expected (Col. 16 lines 1-18).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro  
November 10, 2005



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER